

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 393X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in McLean, Dewitt and Piatt Counties, Illinois**

BACKGROUND

In this proceeding, the Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in McLean, Dewitt, and Piatt Counties, Illinois. The rail line proposed for abandonment extends 30.4 miles from approximately milepost UM 47.9 to milepost UM 78.3 (the Line) in Mansfield and Bloomington, Illinois. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NSR submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly by the proposed abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR served the Environmental Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to NSR, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 393X).

to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Salvage and disposal of a rail line typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. NSR states that it intends to remove rail and track material, leave the ballast and drainage systems intact, and smooth the roadbed to a level surface without digging or burying of any kind.

Land Use

According to NSR, the Line extends from the southeast portion of Bloomington, Illinois, southeast to Mansfield, Illinois. Adjoining land uses are commercial, industrial, residential, and agricultural. Comments on the Environmental Report were submitted by several federal and state agencies, as well as several local governing units. McLean County, the City of Le Roy, the Village of Downs, the City of Bloomington, and Farmer City stated that the proposed abandonment is only consistent with long range land use plans if the right-of-way is maintained as a greenway corridor for public use and future transportation utilization. The same local governments also stated that they intend to work with the Illinois Department of Natural Resources to file a Statement of Financial Responsibility in efforts to obtain a Certificate of Interim Use for the entire corridor, which would allow them to utilize the greenway corridor for public use while preserving the right-of-way for future transportation utilization.

The United States Department of Agriculture Natural Resource Conservation Service states that because the proposed track abandonment would be confined to an existing rail corridor in an urban area, it would have no impact on prime or important farmlands.

The Illinois Commerce Commission (ICC) stated that in addition to its removal of track material and smoothing of the railroad bed, NSR would need to remove a total of 38 public highway-rail grade crossings and 32 private grade crossings from various roadways, as well as remove or dispose of remaining crossing surface material, warning devices, or signage. ICC states that NSR's Strategic Management Group is coordinating efforts with various highway agencies and private individuals to remove these crossings to their satisfaction. Accordingly, OEA is recommending that any decision granting abandonment authority include a condition that NSR consult with ICC prior to conducting salvage activities affecting public or private grade crossings to coordinate efforts and maintain public safety during the restoration of these crossings.

The National Geodetic Survey (NGS) states that 61 geodetic survey mark may be near the Line. Accordingly, OEA recommends that any decision granting abandonment authority include the condition that NSR shall consult with the NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers to plan for the possible relocation of the geodetic station markers by NGS.

Coastal Zone Compliance

The Illinois Coastal Management Program states that the proposed abandonment falls outside of the boundaries of the program and does not require a Federal Consistency Determination.

Water Resources

NSR plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to NSR, salvage activities would not cause sedimentation or erosion of the soil, and NSR does not anticipate any dredging or use of fill when removing the track material. NSR states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

The U.S. Army Corps of Engineers (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

Hazardous Materials

NSR states that it is not aware of any releases of hazardous substances in or near the Line. OEA's review has not found any federally listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

Based on the U.S Fish and Wildlife (FWS) Service Environmental Conservation Online System's Information for Planning and Consultation (IPaC) report, three threatened or endangered species may occur within the proposed project area: the eastern prairie fringed orchid (*Platanthera leucophaea*), a threatened flowering plant; the Indiana bat (*Myotis sodalis*), an endangered mammal; and the northern long-eared bat (*Myotis septentrionalis*), a threatened mammal. OEA has determined that the proposed abandonment would not have any adverse effect on these species, as there would be no felling of trees or other disturbance of likely habitat; FWS concurred with that determination.

Air Quality

Because salvage operations would be limited in scope and areal extent, and any air emissions associated with salvage operations would be temporary, OEA believes that salvage operations would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from salvage activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the National Geodetic Survey and the Illinois Commerce Commission.

HISTORIC REVIEW

NSR served the Historic Report on the Illinois State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment would be affected by the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database and the U. S. Department of Housing and Urban Development's Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.² The databases indicated that the following federally recognized

² Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> and U. S. Department of Housing and Urban Development's Tribal Directory Assessment Tool, <http://egis.hud.gov/tadat/Tribal.aspx> (last visited May 30, 2017).

tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment:

- Delaware Nation, Oklahoma
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Miami Tribe of Oklahoma
- Menominee Indian Tribe of Wisconsin

Accordingly, OEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. The Norfolk Southern Railway Company shall consult with the Illinois Commerce Commission (ICC), Transportation Bureau, Rail Safety Section (RSS) prior to beginning salvage activities involving any public or private road crossings and comply with the reasonable requirements of ICC RSS regarding notification and coordination of the restoration of these crossings.**
- 2. The Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations) or continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub-No. 393X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: May 30, 2017.

Comment due date: June 14, 2016.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment